THE HON'BLE DR JUSTICE G.YETHIRAJULU

Writ Petition No.9542 of 2002

27.12.2007

Between

Devadula Sanjeeva Rao

…Petitioner

And

Transmission Corporation of A.P. Limited,
(A.P.TRANSCO) rep.by its Chief Managing Director,
Vidyut Soudha, Khairatabad, Hyderabad and others.

…Respondents

THE HON'BLE DR JUSTICE G.YETHIRAJULU

Writ Petition No.9542 of 2002

ORDER:

This is a writ petition filed by the petitioner seeking to declare that the notice, dated 31.12.2001, issued by the second respondent is illegal, arbitrary and against the principles of natural justice.

The petitioner contended that he is running a rice mill on lease and there is an electricity connection given by the respondents. The Officials of the respondents inspected the meter and found that the wires were interchanged to prevent recording of meter reading. On the basis of the report, provisional assessment order has been passed by the second respondent. Challenging the same, the petitioner preferred the present writ petition on the ground that there is no tampering of meter and also on the ground that the matter was considered by the criminal Court when he was prosecuted and the criminal Court gave him clean acquittal. Therefore, the proceedings are

liable to the quashed.

The learned counsel appearing for the respondents represented that subsequent to filing of the writ petition, final assessment order was passed on 17.06.2006 and therefore the provisional assessment order has no affect and there is no need to pass any order in the present writ petition. If the petitioner is aggrieved by the final assessment order, he is at liberty to challenge it before appropriate forum by raising all the objections.

In the light of passing of final assessment order by the competent authority, no cause of action survives in the writ petition. Hence, the writ petition is dismissed. However, the petitioner is at liberty to raise all the objections before the authority concerned, including the submission regarding jurisdiction of the respondents in passing the final assessment order under Section 49(c) of the Indian Electricity Act, 2003, if he is aggrieved by the final assessment order. No costs.

It is represented by the petitioner's counsel that the copy of the final assessment order has not been served on the petitioner. The respondents are therefore directed to serve a copy of the final assessment order on the petitioner.

27.12.2007

VGB